

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOLEDO MACK SALES &
SERVICE, INC.,

Plaintiff,

v.

MACK TRUCKS, INC.,

Defendant.

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Civil Action No. 2:02-CV-04373-RLB

JURY TRIAL DEMANDED

MACK TRUCKS, INC.,

Counterclaim Plaintiff,

v.

TOLEDO MACK SALES & SERVICE,
INC.,

Counterclaim Defendant.

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JURY TRIAL DEMANDED

VIDEOTAPED DEPOSITIONS PLAYED INTO EVIDENCE AT TRIAL

Attached as exhibits A-I are transcripts of portions of the videotaped depositions played to the jury at trial. Below is a chart cross referencing the portions played to the trial transcript in this matter.

Exhibit Tab	Day & Date of Trial	Cross-Reference to Record	Description of Video Played
Exh. "A"	Day 4 – 9/18/2006	134:5-134:6	Jeffrey Yelles Deposition dated 12/4/2004 (18:3-18:6)
Exh. "A"	Day 4 – 9/18/2006	135:12-135:13	Kevin Flaherty Deposition dated 11/8/2003 (119:15-124:18)

Exhibit Tab	Day & Date of Trial	Cross-Reference to Record	Description of Video Played
Exh. "A"	Day 4 – 9/18/2006	146:20-146:21	Jeffrey Yelles Deposition dated 11/13/2003 (92:12-92:15)
Exh. "A"	Day 4 – 9/18/2006	164:13-164:14	Jeffrey Yelles Deposition dated 11/13/2003 (370:1-370:23)
Exh. "A"	Day 4 – 9/18/2006	165:22-165:23	Jeffrey Yelles Deposition dated 11/13/2003 (148:7-148:13)
Exh. "A"	Day 4 – 9/18/2006	178:10-178:11	Jeffrey Yelles Deposition dated 11/13/2003 (270:14-270:19)
Exh. "A"	Day 4 – 9/18/2006	182:16-182:17	Jeffrey Yelles Deposition dated 11/13/2003 (288:17-288:24)
Exh. "A"	Day 4 – 9/18/2006	190:25-191:1	Jeffrey Yelles Deposition dated 11/13/2003 (309:13-309:21)
Exh. "A"	Day 4 – 9/18/2006	195:1-195:2	Jeffrey Yelles Deposition dated 11/13/2003 (88:22-89:02)
Exh. "A"	Day 4 – 9/18/2006	202:17-202:18	Jeffrey Yelles Deposition dated 11/13/2003 (83:12-84:13)
Exh. "A"	Day 5 – 9/19/2006	30:01-30:03	Ronald Gerhard Deposition dated 1/5/2005 (103:16-105:23)
Exh. "B"	Day 5 – 9/19/2006	34:25-35:20	Jack Lusty Deposition dated 11/14/2003
Exh. "C"	Day 5 – 9/19/2006 Day 6 – 9/20/2006	114:18-115:09 2:12-2:15	Jack Lusty Deposition dated 1/14/2005 Continuation of Jack Lusty Deposition dated 1/14/2005
Exh. "D"	Day 6 – 9/20/2006	7:16-7:17	Deposition of Kevin Flaherty dated 11/8/2003 (109:21-109:24)
Exh. "D"	Day 6 – 9/20/2006	8:01-8:02	Deposition of Kevin Flaherty dated 11/8/2003 (119:23-120:06)
Exh. "D"	Day 6 – 9/20/2006	9:08-9:09	Deposition of Kevin Flaherty dated 11/8/2003 (120:15-120:20)

Exhibit Tab	Day & Date of Trial	Cross-Reference to Record	Description of Video Played
Exh. "D"	Day 6 – 9/20/2006	10:03-10:04	Deposition of Kevin Flaherty dated 11/8/2003 (124:04-124:07)
Exh. "D"	Day 6 – 9/20/2006	12:10-12:11	Deposition of Kevin Flaherty dated 11/8/2003 (110:06-110:10)
Exh. "D"	Day 6 – 9/20/2006	61:12-61:13	Deposition of Kevin Flaherty dated 11/8/2003 (99:17-99:21)
Exh. "D"	Day 6 – 9/20/2006	73:09-73:10	Deposition of Kevin Flaherty dated 11/8/2003 (204:11-204:20)
Exh. "D"	Day 6 – 9/20/2006	82:22-82:23	Deposition of Kevin Flaherty dated 11/8/2003 (165:19-165:24)
Exh. "D"	Day 6 – 9/20/2006	97:03-97:04	Deposition of Kevin Flaherty dated 11/8/2003 (183:23-184:08)
Exh. "E"	Day 7 – 9/21/2006	90:06-90:07	Deposition of Joseph Favia dated 12/15/2004 (294:10-294:16)
Exh. "E"	Day 7 – 9/21/2006	90:15-90:16	Deposition of Joseph Favia dated 12/15/2004 (283:13-283:19)
Exh. "E"	Day 7 – 9/21/2006	107:06-107:07	Deposition of Joseph Favia dated 12/15/2004 (174:17-174:21)
Exh. "E"	Day 7 – 9/21/2006	108:17-108:18	Deposition of Joseph Favia dated 12/15/2004 (106:06-106:13)
Exh. "E"	Day 7 – 9/21/2006	112:02-112:03	Deposition of Joseph Favia dated 11/12/2003 (32:19-38:08)
Exh. "F"	Day 7 – 9/21/2006	142:23-142:24	Deposition of John McCafferty dated 11/11/2003 (56:07-56:20)
Exh. "F"	Day 7 – 9/21/2006	143:13-143:14	Deposition of John McCafferty dated 11/11/2003 (56:21-57:10)
Exh. "F"	Day 7 – 9/21/2006	146:16:-146:17	Deposition of John McCafferty dated 11/11/2003 (43:04-45:09)
Exh. "F"	Day 7 – 9/21/2006	148:09-148:10	Deposition of John McCafferty dated 11/11/2003 (45:08-45:09)

Exhibit Tab	Day & Date of Trial	Cross-Reference to Record	Description of Video Played
Exh. "F"	Day 7 – 9/21/2006	153:11-153:12	Deposition of John McCafferty dated 11/11/2003 (68:02-68:07)
Exh. "F"	Day 7 – 9/21/2006	160:03-160:04	Deposition of Jeffrey Yelles dated 11/13/2003 (118:15-118:20)
Exh. "F"	Day 7 – 9/21/2006	161:25-162:01	Deposition of John McCafferty dated 11/11/2003 (100:15-100:18)
Exh. "F"	Day 7 – 9/21/2006	167:25-168:01	Deposition of John McCafferty dated 11/11/2003 (133:04-133:14)
Exh. "F"	Day 7 – 9/21/2006	168:17-168:18	Deposition of John McCafferty dated 11/11/2003 (132:09-132:11)
Exh. "F"	Day 7 – 9/21/2006	169:06-169:07	Deposition of John McCafferty dated 11/11/2003 (132:13-132:18)
Exh. "F"	Day 7 – 9/21/2006	174:14-174:15	Deposition of John McCafferty dated 11/11/2003 (163:13-163:17)
Exh. "F"	Day 7 – 9/21/2006	176:11-176:12	Deposition of John McCafferty dated 11/11/2003 (164:03-164:04)
Exh. "F"	Day 7 – 9/21/2006	177:12-177:13	Deposition of John McCafferty dated 11/11/2003 (188:18-189:15)
Exh. "F"	Day 7 – 9/21/2006	182:22-182:23	Deposition of John McCafferty dated 11/11/2003 (112:08-112:10)
Exh. "F"	Day 7 – 9/21/2006	183:13-183:14	Deposition of John McCafferty dated 11/11/2003 (112:11-112:17)
Exh. "F"	Day 7 – 9/21/2006	184:25-185:01	Deposition of John McCafferty dated 11/11/2003 (122:07-122:20)
Exh. "G"	Day 7 – 9/21/2006 Day 8 – 9/22/2006	217:14-217:15 2:09-2:10	Deposition of Stephen Polzer dated 11/19/2003 Continuation of Deposition of Stephen Polzer dated 11/19/2003
Exh. "H"	Day 9 – 9/25/2006	35:17-35:18	Deposition of Stephen Polzer dated 1/18/2005

Exhibit Tab	Day & Date of Trial	Cross-Reference to Record	Description of Video Played
Exh. "I"	Day 9 – 9/25/2006	36:16-36:17	Deposition of Hallie Giuliano dated 3/18/2005

Respectfully Submitted,

DUANE MORRIS LLP

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Dated: October 25, 2006

CERTIFICATE OF SERVICE

I, J. Manly Parks, hereby certify that a true and correct copy of the foregoing document was served this 25th day of October, 2006, by hand delivery upon counsel of record as follows:

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s/J. Manly Parks

J. Manly Parks